









# THE UN LOONG MURDERS

**THE DEFENCE.**  
The Supreme Court sat to-day in Criminal Session for the trial of Fung Cheong and Ching Chi for the murder of Tung Young on 14th April, at Un Kiang.  
Hon. H. E. Pollock (instructed by Mr B. L. Bowley, Chief Solicitor) pro-  
secuted.

The following comprised the jury: Thomas Grinnall, C. J. O'Connor, C. S. Gabbay, C. E. Hutton, A. Harvie, A. Abesser and A. E. Riddle. Mr. Pollock referring to the question of whether the land was held by Mr. Slado that it had not been proved that Un Leung was in a Colony, quoted from "Kass-on in" in support of his contention that if the Court thought he fit in the interests of justice to call additional evidence it would do so. The evidence sought to be introduced was not to rebut any question of fact.

His Lordship said acting under the authority of the Act of Parliament under the Governor divided the new territory into districts and sub-districts, and in the *Guicote* it said that

Loong was one of the districts. His lordship further said there was some sort of evidence given because they had the evidence of the Police that they apprehended the men at Un Loong. It was not to be supposed that the Police would go outside the colony to arrest people. There was there-

pre-sume evidence that Un Loong was in the Colony.

His Lordship said he might remark that this was not like a game of chess where the skill of one player was set against the skill of another. It was a case of justice. When the counsel for the prosecution finished his case the counsel for the defence said: "Un Loong was not around on the day the

in the new territory, in the Colony. The judge might be of opinion that it was not necessary to prove it, and should take judicial notice of it, but if he was wrong, now was the only time to correct that. What possible moral injus-

we could be done to the prisoners, who  
 did not take any objection to the Court  
 issuing judicial notice of Un Lawy help in  
 the new territory. They would simply  
 enough at British law if they got away on  
 that point. The Lordship said he should  
 be inclined to strike a point on what was

the moral point rather than what might be allowing a technical objection when there was an opportunity of remedying a defect. If Mr Slade was in a position to prove that the place was not in the Colony then there might be a fatal objection. The question

was whether it was safer to have that evidence called as a matter of protection. If after consideration he was entitled to take judicial notice of the place that might be sufficient, but if a flaw was pointed out in the prosecution he thought an opportunity should be given to remedy it.

Mr Pollack after quoting a case to show that the Court must find substantial evidence of justice could of its own motion direct such further evidence to be called, said his contention, of course, was that it was quite competent for the Court to take judicial notice of the facts of the case without calling evidence.

monies that this camp was commenced within the jurisdiction of the Court. He submitted the proper course was for the Court to call the witnesses. Mr Pollock suggested that Mr Orm-by, one of the Delimitation Committee, or the Captain Superintendent of P. Res. might give evidence.

Mr Slade took formal objection to Mr Grimaldi's evidence.

Tang Hing, one of the gentry of Un Loong, a previous witness in the case, was called to prove that the place where the crime was committed was in the new territory. After some preliminary questions,

His Lordship said—Taking about a radius of a mile round Un Loong, is that included in the new territory taken over by the British Government?

Mr. Blade—I object to the question. It can be nothing but hearsay on the part of

Witness—It is now under the jurisdiction

His Lordship caused the Clerk of the Court (Mr Jones) to read the Government Notification dividing the territory into sub-districts, and then asked the witness if the villages mentioned in the district of Un

Witness certified to the correctness of the description of the district of Un'Loong. His Lordship then stated he was perfectly satisfied that the place where the crime was committed was in the new territory. Referring to the question raised by Mr

Slade that the Governor's proclamation extending the laws of Hongkong did not come into effect until after the 17th April, his Lordship said for the purposes of the case before the jury he would rule that 'from the 17th' included the 17th.

ANOTHER OBJECTION BY MR SLADE.

Mr Slade said with his Lordship's permission he had to raise another objection. It had been laid down by the Privy Council in the case of the Imperial Japanese Government v. the P. and O. Company, in 1895 Appeal Cases, that with reference to Orders in Council based upon Treaties, it was clear

that the powers conferred by the Order in Council must be interpreted by the Treaty. Now, the Treaty in this case was the Convention made between the Emperor of China and the Queen. By the Convention the Emperor of China gave up his jurisdiction over the ports of Canton, Amoy, and Swatow.

tion in the territory and handed it over to Great Britain. It was perfectly clear that the Emperor of China had not got the right to give any jurisdiction which he had not got. By other Treaties the Emperor had no jurisdiction over, say, Americans in the territory, as extra-territorial Treaties were in

force in the territory. Therefore, under the Convention he granted Great Britain rights he had already granted away.

His Lordship said that point might be raised if the persons concerned were Germans or Americans.

Mr Staddon said it had not been proved

that the persons were subjects of the Emperor of China at the time the Convention was signed.

**His Lordship.**—There is some evidence of it, because they were told that they were traitors to their country. You tell that to the Germans. If you break the law, you

His Lordship said, Mr. Slade had better

Mr Slade might object to every Chinaman being placed in the box, and they would require means to produce certificates of birth in each case. That was carrying it too far. It would be better to leave it to the Privy Council to decide these points. He asked Mr Slade to

Mr. Slade (smiling) said he had no more at present, but he reserved the right of raising more.

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